



Docket No.: 0851/01118

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael SAFDEYE et al.

Serial No.: 09/804,066

Art Unit: 3728

Filed: March 12, 2001

Examiner: A. Stashick

For: SHOE HAVING A FABRIC OUTSOLE AND MANUFACTURING
PROCESS THEREOF

AFFIDAVIT UNDER 37 CFR 1.131

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Michael Safdeye, being duly sworn, deposes and says:

1. I am an inventor of the patent application identified above and I am an inventor of the subject matter described and claimed therein.
2. Prior to December 29, 2000, I had completed my invention as described and claimed in the subject application in this country, a NAFTA country, or a WTO country, as evidenced by the following:

- A. Prior to December 29, 2000, the idea of a shoe with an outsole having an outsole surface which includes a first section and a second section with an outer layer of a fabric material was conceived and reduced to practice as evidenced by the disclosure entitled "Fabric Outsole Process" and the attached photographs, all of which are attached hereto as Exhibit A. Comparing claim 1 of the subject application with pages 1 and 2 of the Summary and the photographs, the formation of a second outsole section that has an outer layer of fabric is shown in photographs #1 through #6. Photographs #7 through #10 illustrate the formation of the first section around the second section where the first section is formed such that it is free of any fabric material. The subject matter of claims 2 through 10 is also evidenced by the Summary and the attached photographs.
- B. Prior to December 29, 2000, a customs ruling was rendered to the benefit of the present Assignee, which is attached hereto as Exhibit B. The subject matter of claim 12 is evidenced by the customs ruling and the subject matter contained in Exhibit A. The subject matter of claims 14-17 is likewise evidenced by the documents contained in Exhibits A and B. The method steps outlined in claim 18 are evidenced by the Summary and the attached photographs of Exhibit A. Similarly, claims 19-26 are evidenced by Exhibits A and B.

C. Exhibit A pages 1 and 2 were prepared prior to December 29, 2000, and the photographs were taken prior to December 29, 2000, and the customs ruling contained in Exhibit B is dated prior to December 29, 2000. However, the dates listed on all of these documents have been redacted. Furthermore, the name and address of the laboratory that rendered the customs ruling has been redacted.

Dated: April 9, 2002


Michael Safdeye

Sworn to and subscribed before me
this 9 st day of April 2002.



NOTARY PUBLIC

DAVID ESSES
Notary Public, State of New York
No. 5015463
Qualified in New York County
Commission Expires July 19, 2005

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Serial No. 08/963,524

Docket No. 1780/0D144